

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

QWEST COMMUNICATIONS
CORPORATION,

Plaintiff,

vs.

NEBRASKA PUBLIC SERVICE
COMMISSION, and GERALD L. VAP,
ANNE C. BOYLE, LOWELL C. JOHNSON,
ROD JOHNSON and FRANK E. LANDIS,
JR., in their official capacities as the
Commissioners of the Nebraska Public
Service Commission,

Defendants.

8:05CV182

ORDER

This matter is before the court for full pretrial supervision and on the motion of Arlington Telephone Company, *et al.*, for leave to intervene as defendants (#13). The court deferred ruling on the motion for intervention until Judge Smith Camp ruled on the defendants' MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO STAY ACTION (#25).

On October 7, 2005 (#42) Judge Smith Camp granted the defendants' motion in the following respects:

- Qwest's claims against the Nebraska Public Service Commission were dismissed;
- Qwest's state law claims were dismissed;
- The court abstained from deciding Qwest's federal claims during the pendency of a related proceeding filed by Qwest in the District Court for Lancaster County, Nebraska; and
- This action was stayed pending resolution of the Nebraska state court action.

In light of these developments,

IT IS ORDERED:

1. The Motion for Leave to Intervene (#13) is denied without prejudice to reassertion, if appropriate, after the stay is lifted in this case.
2. The parties' Rule 26(f) reporting deadline will be rescheduled after the stay is lifted in this case.

DATED October 13, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**